



CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed February 25, 2025

  
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

IN RE:

McCLAIN FEED YARD, INC.,  
McCLAIN FARMS, INC., and  
7M CATTLE FEEDERS, INC.,

Debtors.<sup>1</sup>

Chapter 7

CASE NO.: 23-20084-rlj  
Jointly Administered

RABO AGRIFINANCE LLC,

Plaintiff,

vs.

ACEY LIVESTOCK, LLC, *et al.*,

Defendants

ADV. PROC. NO: 23-02005-rlj

Honorable Robert L. Jones

<sup>1</sup>The Debtors in these jointly administered cases are McClain Feed Yard, Inc. (Case No. 23-20084-rlj7), McClain Farms, Inc. (Case No. 23-20085-rlj7), and 7M Cattle Feeders, Inc. (Case No. 23-20086-rlj7).

RLT

DENYING

AGREED ORDER GRANTING IN PART AND RESERVING IN PART THE MOTION  
FOR PARTIAL SUMMARY JUDGMENT ON FIRST PHASE ISSUES FILED BY  
DEFENDANTS, ACEY LIVESTOCK, LLC; MICHAEL ACEY; BARRETT'S  
LIVESTOCK, INC.; AND DON RALPH BARRETT

This matter is before the Court on the *Motion for Partial Summary Judgment* (the "Motion") (DE #217) by the Defendants, Acey Livestock, LLC; Michael Acey; Barrett's Livestock, Inc.; and Don Ralph Barrett, seeking summary judgment as against the Plaintiff, Rabo AgriFinance LLC ("RAF") on the "First Phase Issues" identified in this Court's Alternative Scheduling Order (DE #178]. The parties have agreed to the proper disposition of the pending Motion.

Accordingly, based upon such agreement, and for good cause shown, the Court **GRANTS IN PART and DENIES IN PART, WITHOUT PREJUDICE AND FOR FUTURE ADJUDICATION**, the Motion, and **ORDERS AS FOLLOWS:**

1. With respect to the specific funds which the Court may ultimately determine constitute the corpus of the statutory trust created by the Dealer Trust Statute (7 U.S.C. §217b), any party which the Court concludes is a qualified and valid beneficiary holding a valid Dealer Trust Claim shall have a right to those funds that is superior to any and all of RAF's alleged rights in those funds.

2. All other matters raised in the Motion are reserved for further adjudication and this Order is entered without prejudice to any issue outside the scope of the matters set forth in numerical paragraph 1 hereof, including, but not limited to, (1) whether assets currently in the custody and control of the Trustee are subject to the Dealer Trust Statute, (2) whether assets in the custody and control of the Trustee are assets of the bankruptcy estate of any of the subject debtors, (3) which Defendants, if any, has a qualified USDA Dealer Trust claim, (4) what parties are entitled to payment from Dealer Trust Funds, or funds otherwise in the custody and control

of the Trustee, and (5) the rights of RAF, if any, to any funds in the custody and control of the Trustee, if any, after payment of all valid Dealer Trust claims.

**HAVE SEEN AND AGREED:**

/s/ Joseph H. Mattingly III  
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/s/ John Massouh [with permission]  
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/s/ Matthew M. Cannon [with permission]  
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/s/ Hudson M. Jobe [with permission]  
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\*\*\*\*\* END OF ORDER \*\*\*\*\*

Rabo AgriFinance LLC,  
Plaintiff  
Acey Livestock, LLC,  
Defendant

Adv. Proc. No. 23-02005-rlj

## CERTIFICATE OF NOTICE

District/off: 0539-2

User: admin

Page 1 of 6

Date Rcvd: Feb 25, 2025

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The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 27, 2025:

Recip ID	Recipient Name and Address
tr	+ Kent Ries, Attn: Hudson M. Jobe, 2001 Bryan Street, Suite 1800, Dallas, TX 75201 UNITED STATES 75201-3070

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
ust	+ Email/Text: ustpreion06.da.ecf@usdoj.gov	Feb 26 2025 02:51:00	United States Trustee, 1100 Commerce Street, Room 976, Dallas, TX 75242-0996
ust	+ Email/Text: ustpreion07.au.ecf@usdoj.gov	Feb 26 2025 02:51:00	United States Trustee - AU12, United States Trustee, 903 San Jacinto Blvd, Suite 230, Austin, TX 78701-2450
ust	+ Email/Text: USTPRegion07.SN.ECF@usdoj.gov	Feb 26 2025 02:51:00	United States Trustee - SA12, US Trustee's Office, 615 E Houston, Suite 533, San Antonio, TX 78205-2055

TOTAL: 3

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 27, 2025

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 25, 2025 at the address(es) listed below:

Name	Email Address
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District/off: 0539-2

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Page 2 of 6

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Page 3 of 6

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Page 4 of 6

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Page 5 of 6

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Page 6 of 6

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